

Remarks

I. Status of Claims

Claims 15, 17, 19-28, and 32-33 are currently pending in the application. Claims 15, 17, 19, and 27 are the independent claims and are currently amended. Claims 32-33 are newly added. Claims 16, 18, and 29-31 are canceled without prejudice to and/or disclaimer of the subject matter therein.

Support for additional claim language of the amended claims can at least be found in, for example, previously presented (and now canceled claims 16 and 18), and on page 8, lines 29-32, of the specification. Accordingly, the Applicant believes that no new matter is added.

Claims 15 and 16 stand rejected under 35 USC 102(b) as allegedly being anticipated by Glenord Pty. Ltd. (WO 02/072182) ("Glenord").

Claims 17 and 18 stand rejected under 35 USC 102(b) as allegedly being anticipated by Glenord.

Claims 19-26 stand rejected under 35 USC 102(b) as allegedly being anticipated by Glenord.

Claims 27 and 28 stand rejected under 35 USC 102(b) as allegedly being anticipated by Glenord.

Claim 29 stands rejected under 35 USC 102(b) as allegedly being anticipated by Glenord.

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Drawings

The Office Action indicates that FIGS. 7-8 are missing from the drawings. The Applicant respectfully resubmits an attached sheet of drawings, including FIGS. 7-8, as filed on April 24, 2006 with the USPTO. A copy of the date stamped postcard is attached indicating the submission and receipt by the USPTO of all four drawing sheets.

III. Pending Claims

Independent claims 15, 17, 19, and 27 stand rejected under 35 USC 102(b) as allegedly being anticipated by Glenord.

The Applicant respectfully submits that claims 15, 17, and 27 are patentable over Glenord at least because they recite, *inter alia*, "...wherein the inhibit member includes a longitudinal portion formed by a tenon or by a wall element and, in the inhibit position, the inhibitor member passes through the head of the piston via a slot..."

The Applicant respectfully submits that claim 19 is patentable over Glenord at least because it recites, *inter alia*, "...wherein the trigger member is secured to the actuator head of the piston, and the inhibitor member is connected to said head in the inhibit position..." and "...wherein the inhibit member includes a longitudinal portion formed by a tenon or by a wall element and, in the inhibit position, the inhibitor member passes through the head of the piston via a slot..."

Certain embodiments of the present invention relate to a safe injection device comprising a syringe having a syringe body, a needle, a piston suitable for moving in the body to perform an injection, and a safety means comprising a protective sheath. The syringe body and the protective sheath can slide relative to each other between an injection configuration (in which the needle projects beyond the protective sheath which is disposed around the syringe body) and a protection configuration (in which the needle extends inside the sheath). The device can include a trigger member which causes the device to pass from the injection configuration to the protection configuration at the end of the injection stroke. *See* paragraph [0001] of the application as published.

In an attempt to reject the inventions of claims 15, 17, 19, and 27, the Office Action (on page 3) purports to equate elements 23/36/37 of Glenord to the Applicant's recited inhibitor members. That said, the Applicant respectfully submits that elements 23/36/37 of Glenord and the inhibitor members are structurally different. More particularly, the inhibitor members of the inventions of claims 15, 17, 19, and 27 are each made of a single piece which is passed through the head of the piston. Glenord does not disclose such an inhibitor member. Rather, in Glenord,

neither the fingers 36 nor the hold arms 37 (comprising element 23) are passed through the head 34 of the piston. Further, the fingers 36 and the hold arms 37 must interact with each other to form the alleged inhibitor member (i.e., the tongue 39 of the fingers 36 must lock the arms 37 (See page 6, line 3)). Consequently, any misalignment or relative movement of either one of these two elements 36, 37 could jeopardize the function of the alleged inhibitor. Thus, it is respectfully submitted that the alleged inhibitor member of Glenord ***does not pass through the head of the piston via a slot*** as required by the inventions of claims 15, 17, 19, and 27.

It is respectfully submitted that lacking any teaching or suggestion of each and every element of the Applicant's claims, Glenord does not anticipate the inventions of claims 15, 17, 19, and 27 as alleged. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Also, the Applicant respectfully submits that the other cited references do not address the deficiencies of Glenord. More specifically, the other cited references do not provide any teaching and/or suggestion for modifying Glenord to include the recited inhibitor member. As discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to modify the prior art in the manner as recited in the inventions of claims 15, 17, 19, and 27. Obviousness cannot be sustained on mere conclusory statements.

Thus, the Applicant respectfully submits that, for at least these reasons, claims 15, 17, 19, and 27 are patentable over Glenord.

In addition, it is respectfully submitted that the dependent claims further distinguish certain embodiments of the present invention from Glenord. For example, claim 32 recites that, *inter alia*, "...wherein in the inhibition position, the user presses on the inhibitor member/part while, when the inhibitor member/part is separated or displaced with regard to the piston, the user presses on the head of the piston," which the Applicant respectfully submits is not described in Glenord.

IV. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. **The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.**

Respectfully submitted,

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APPENDIX

FIGS. 7-8

(with copy of date stamped postcard dated April 24, 2006)